IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 2051 of 2006(T)

---

PETITIONER:

---

K.JOHN DOMINIC, AGED 70 YEARS,
S/O.DOMINIC, KARIPPARAMBIL HOUSE,
KANJIRAPPALLY, KOTTAYAM DISTRICT.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

---

1. THE SECRETARY TO GOVERNMENT
HEALTH DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER,
KOTTAYAM.

3. THE SUPERINTENDENT,
TALUK HEAD QUARTERS HOSPITAL, KANJIRAPPALLY.

4. THE PRESIDENT,
HOSPITAL DEVELOPMENT COMMITTEE,
TALUK HEAD QUARTERS HOSPITAL,
KANJIRAPPALLY.

BY GOVERNMENT PLEADER SRI. M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 2051/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE GO (Rt) 2219/69/HD DT. 13.11.69

EXT.P2. COPY OF THE GO (Rt) 2368/69/HD DT. 2.12.69

EXT.P3. COPY OF THE STANDING ORDER BY THE GOVT. DT. 15.9.76

EXT.P4. COPY OF THE LETTER SENT BY THE PETITIONER DT. 28.2.05

EXT.P5. COPY OF THE LETTER OF THE 3RD RESPONDENT DT. 27.10.05 TO THE PETITIONER

EXT.P6. COPY OF THE LETTER SENT BY THE PETITIONER DT. 30.5.05

EXT.P7. COPY OF THE ACKNOWLEDGEMENT CARD FOR EXT.P6 BY THE FIRST RESPONDENT

EXT.P8. COPY OF THE POSTAL ACKNOWLEDGEMENT CARD EVIDENCING RECEIPT OF EXT.P6 BY 3RD RESPONDENT

/TRUE COPY/

PA TO JUDGE.

**ANTONY DOMINIC, J.**

**----------**

**W.P.(C). NO. 2051 OF 2006**

**----------**

**Dated this the 31st day of October, 2007**

**J U D G M E N T**

The prayer in this writ petition is to direct the respondents to transfer the accumulated and unutilised funds collected as rent of the pay ward during the period prior to 24.10.2005 to the new account opened as per Ext.P5. The further direction sought for is to use the accumulated funds for the purpose mentioned in Ext.P3.

2. In so far as the facts are concerned, it is seen that the petitioner and the other legal representatives of late Dominic Thomman had constructed and donated a pay ward to the Taluk Headquarters Hospital, Kanjirappally and towards rent and other receivables, funds have been collected and amounts so collected prior to 24.10.05 is now deposited in Sub Treasury, Ponkunnam with A/c. No.8443-106-P.D Kanjirappally. Since 24.10.2005, a new bank account has been opened in State Bank of Travancore, Ponkunnam with A/c No. 67083663082. The 4th respondent is taking care of the maintenance of the pay ward utilising the funds which are generated out of rent and receivables.

3. The present request of the petitioner is that for the aforesaid purpose, funds are to be utilised and that include the fund now lying in deposit with Sub Treasury, Ponkunnam with A/C No. 8443-106-P.D.

Account and therefore this should be transferred to the account now opened in the State Bank of Travancore, Ponkunnam. The request made by the petitioner is not objectionable in any manner and is not resisted by the respondents also. The amount now in deposit in the Sub Treasury is what is generated out of the rent and other receivables from the pay ward constructed and donated by the petitioner and others. The only interest of the petitioner is to utilise the accumulated and unutilised funds for the maintenance of the pay ward only and that is the purpose mentioned in Ext.P3. Therefore, to meet such expenses, the amount now lying in Sub Treasury, Ponkunnam in A/c No.8443-106-PD has to be transferred to the State Bank of Travancore, Ponkunnam in A/c No. 67083663082.

Accordingly there will be a direction to the respondents to transfer the accumulated and unutilised funds that are now lying in deposit in Sub Treasury to the new A/C No. of SBT Ponkunnam for its estimation for the purpose mentioned in Ext.P3. This shall be done, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

**ANTONY DOMINIC, JUDGE**

vps